

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

v.

SIDONIE SQUIER, Secretary of
the New Mexico Human Services Department,

No. CIV 88-0385 KG/ACT
Consolidated with
No. CIV 88-0786 JB/ACT

Defendant.

STIPULATED ORDER RESOLVING
PLAINTIFFS' MOTION TO ENFORCE COMPLIANCE WITH DECREE FOR
NEWBORN AND CHILDREN'S MEDICAID

This matter, having come before the Court on Plaintiffs' Motion to hold Defendant in Contempt and for Sanctions (Doc. 437), and having been fully briefed and set for a hearing on March 25, and 26, 2014, and sent to mediation with the Honorable Magistrate Judge Alan Torgerson, and the parties having reached the following agreement to resolve all matters set forth therein, it is hereby ORDERED:

1. At the end of the twelve month certification period for an infant on Newborn Medicaid (Category 031), the Department will make a redetermination of Medicaid eligibility for the child. The Defendant will require the family to complete and submit a copy of the redetermination form attached hereto as Exhibit A, or one of comparable simplicity, for the child to be considered for continuing Medicaid eligibility¹. The Defendant will neither require nor request that the family provide

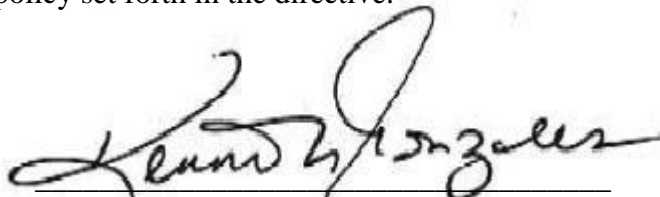
¹ The approval of the form by the federal Centers for Medicare and Medicaid Services as an amendment by Defendant to its State Medicaid Plan is a prerequisite to its use in the manner described above.

- proof of identity, citizenship or age for the child in order to place him or her into another Medicaid category for which the child is eligible (e.g. children's Medicaid).
2. At the end of the twelve month certification period for recipients of Transitional Medicaid (Category 028), the Defendant will make a redetermination of Medicaid eligibility for the existing members. The Defendant will require the family to complete and submit a copy of the redetermination form attached hereto as Exhibit A, or one of comparable simplicity, for the existing members to be considered for continuing Medicaid eligibility². The Defendant will neither require nor request that any of the existing members provide proof of identity, citizenship or age in order to place them into another Medicaid category for which they are eligible.
 3. On or before March 14, 2014, Defendant will submit to CMS for approval the form attached hereto as Exhibit A which, upon approval by CMS, shall be the only form used for the redetermination of eligibility of MAGI and family based Medicaid categories. Pending approval of the attached form by CMS, Defendant will continue the redetermination process of automatically cascading eligibility for the existing members who are currently active to another assistance category, such as SNAP, TANF, or Medicaid.
 4. On or before the date hereof, Defendant shall have sent a change request ("CR") to the contractor responsible for the design, implementation and maintenance of its ASPEN computer system to amend the system to allow for the use of the form

² The approval of the form by the federal Centers for Medicare and Medicaid Services ("CMS") as an amendment by Defendant to its State Medicaid Plan is a prerequisite to its use in the manner described above.

- attached hereto as Exhibit A in the manners set forth in this Order.³ Although the Defendant shall be solely responsible for the scheduling of all outstanding CRs in the manner which it deems appropriate, it shall take all reasonable actions to assign a high priority to this particular CR.
5. Prior to sending a family a notice of Medicaid termination or redetermination, Defendant will continue to conduct its own timely review of the family's information, contained in its own files or otherwise available, in order to determine whether the children or other family members currently enrolled in Medicaid are eligible for other categories of coverage. If such eligibility is determined, Defendant will administratively renew eligibility for each family member without requiring the family to take any action.
 6. On or before March 31, 2014, Defendant will issue an updated version of the directive attached hereto as Exhibit B on the Medicaid renewal process for newborns and for children and family members on Transitional Medicaid that comports with the above requirements. This directive will be re-sent in September 2014 and in March 2015 and again thereafter as necessary to ensure staff knowledge of the proper procedures for renewal. Defendant will also conduct training sufficient to bring its staff into compliance with the policy set forth in the directive.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Leonard H. Gonzales", written over a horizontal line.

UNITED STATES DISTRICT JUDGE

³ In addition to CMS approval, it is a prerequisite to the use of the form in the manner described above that the contractor have completed the change to the system that is required by the CR.

Approved by:

/s/ Gail Evans
Gail J. Evans, Esq.
New Mexico Center on Law and Poverty

Jane B. Yohalem, Esq.
Law Office of Jane B. Yohalem

Daniel Yohalem, Esq.
Daniel Yohalem Attorney at Law

Counsel for Plaintiffs

/s/ Raymond Mensack
Raymond W. Mensack, Esq.
NM Human Services Department

Jerry Walz, Esq.
Walz and Associates

Counsel for Defendants